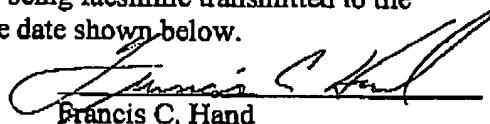


NOV 09 2006

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the USPTO at (571) 273-8300 on the date shown below.

NOVEMBER 9, 2006  
Date

  
Francis C. Hand**Art Unit: 1724****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Duane Smith  
Applicant: Florian Kehrer  
Serial No: 10/780,243  
Deposited: February 17, 2004  
Title: Liquid Distributor

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Box PCT

**Letter of Complaint**

Sir:

This letter is being submitted for review by Supervisory Examiner Duane Smith of the nature of the comments made by the Examiner in pages 4 to 6 of an Office Action dated October 18, 2006 in the above application.

Specifically, the undersigned objects to the statements made by the Examiner in responding to the arguments presented in an Amendment filed August 29, 2006. These are as follows:

The Examiner states, "Specifically, applicant spends an inordinate amount of ink arguing the disclosures of Figs. 2-6 of Acker et al, which are not at all relied upon by the Examiner."

The Amendment filed August 29, 2006 contains one paragraph of 14 lines regarding the disclosures of Acker. In fact, applicant has not spent "an inordinate amount of ink" arguing the disclosures of Fig. 2-6 of Acker.

The Examiner states, "To argue that all of the liquid that flows downwardly through element (52) would preferentially flow sideways out of the points, rather than dripping therefrom seems a bit incredible."

The use of the term "incredible" is to denigrate applicant's arguments and appears to have been intended as a pejorative.

The Examiner states, "Likewise, to argue that applicant's converging side walls provide a throttling of liquid flow, but somehow the converging sidewalls of the Acker et al. gutter means (14) do not is also an incredible revelation." [underlining added for emphasis]

Again, the Examiner has chosen to use denigrating language that if used by an attorney, would be in violation of 37 CFR 1.3, if not the spirit of that Rule.

Further, the Examiner states "Unfortunately, for applicant's position, the same laws of physics apply to the Acker device as applied to applicant's device. Further, applicant's voluminous attack of the Acker et al. reference based upon an alleged reliance by the Examiner of inherency within the teachings of Acker et al. is misplaced at best."

There is an absence of decorum and courtesy in such a response. This should not be tolerated by the USPTO.

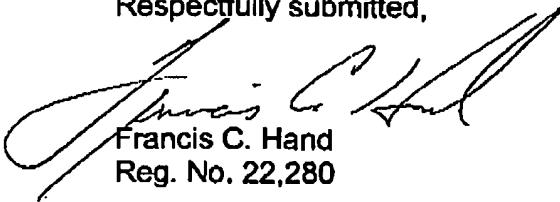
Finally, the Examiner states "No amount of misrepresentation of the teachings of the reference...". [underlining added for emphasis]

This is an outright slanderous attack on applicant's arguments and is uncalled for in any communication with an applicant. Further, a charge of misrepresentation charges not only applicant but also applicant's attorney and may well be grounds for a cause of action for libel.

It is respectfully requested that the nature of the Examiner's statements be reviewed by the appropriate personnel of the USPTO and appropriate action taken.

The substance of this complaint was discussed with Examiner Bushey by telephone on November 2, 2006 and the procedure for filing a complaint with Examiner Smith on the same date.

Respectfully submitted,



Francis C. Hand  
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Five Becker Farm Road  
Roseland, NJ 07068  
Phone: 973-994-1700  
Fax: 973-994-1744

303117